

**REMARKS**

Claims 1-9, 13-25, 28-30 and 35 currently appear in this application. The Office Action of July 7, 2006, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Claims 1, 2, 13-25 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kotake et al., WO9909053.

This rejection is respectfully traversed. Submitted herewith is an English translation of the two priority documents (JP 20523/1999 and JP 283163/1999) of the present application. Because the filing date of JP 20523, January 28, 1999, predates the publication date of Kotake et al., February 25, 1999, it is respectfully submitted that Kotake et al. has been removed as a reference.

Claims 1, 13-21, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kotake et al.

This rejection is respectfully traversed. As noted above, the priority document for the present application predates the publication date of Kotake et al.

Claims 1-5, 13 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bold, U.S. 5,643,878.

This rejection is respectfully traversed. All of the Bold compounds have a -C(O)-morpholino moiety at a position corresponding to formula 1 of the present claims.

Claim 1 does not recite that R<sub>11</sub> can be a -C(O)-morpholino moiety. This is clear from a previous amendment, filed April 26, 2005, in which the recitation "or R<sub>14</sub> and R<sub>15</sub>, as N(R<sub>14</sub>)R<sub>15</sub>, form optionally substituted 3 to 7 membered cyclic amine" from claim 12. To make this more clear, claim 1 has been amended to recite, "R<sub>14</sub> and R<sub>15</sub>, which may be the same or different, are each hydrogen...". [emphasis added]

Additionally all three compounds to which the Examiner refers have a substituted C<sub>4</sub> alkyl group corresponding to R<sub>7</sub> of formula 1 as claimed herein. Claim 1 of the present application recites, "R<sub>7</sub> is... optionally substituted straight-chained or branched C<sub>1-3</sub> alkyl." [emphasis added] Thus, the compound as claimed herein does not have a C<sub>4</sub> alkyl group as R<sub>7</sub>.

Moreover, as described at page 12, line 21 to page 13, line 2 (especially page 12, lines 23-27) of the specification as filed, the substituent of the optionally substituted straight-chained or branched C<sub>1-3</sub> alkyl as R<sub>7</sub> is halogen, hydroxyl or amino, and therefore, this does not include the substituents found in the compounds of Bold et al., such as -NH-(C=O)-t-Bu or phenyl. New claim 35 clarifies this point. Support can be found for new claim 35 in the specification as filed at page 12, lines 23-27.

Claims 1, 2, 13 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bold et al.

This rejection is respectfully traversed. As described above, the compounds claimed herein are completely different from those described by Bold, since they differ not only in R<sub>14</sub> and R<sub>15</sub>, but also in R<sub>7</sub>.

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Amd. dated September 21, 2006  
Reply to Office Action of July 6, 2006

Claims 1, 2, 13-25 and 29 are rejected under 35  
U.S.C. 103(a) as being unpatentable over Kotake et al.

This rejection is respectfully traversed. As noted  
above, the priority document of the present application, a  
certified copy of which is submitted herewith, provides  
evidence that the present application predates Kotake et al.

In view of the above, it is respectfully submitted  
that the claims are now in condition for allowance, and  
favorable action thereon is earnestly solicited.

Respectfully submitted,

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